

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

VINCENT WOODARD,

Defendant-Appellant.

UNPUBLISHED
February 21, 2008

No. 269672
Wayne Circuit Court
LC No. 01-010419-01

Before: Talbot, P.J., and Cavanagh and Zahra, JJ.

MEMORANDUM.

Defendant appeals as of right, challenging the amount of jail credit granted in the most recently entered judgment of sentence in this case. We remand for correction of the judgment of sentence.

A person who has served time in jail before sentencing due to inability to post bond or a denial of bond must be credited with the time served in jail. *People v Stead*, 270 Mich App 550, 551; 716 NW2d 324 (2006), citing MCL 769.11b. In the amended judgment of sentence entered after this Court's earlier remand, the trial court determined that defendant was entitled to 52 days of jail credit, rather than the initially credited 21 days. It is also manifest that the change of the jail credit to 21 days in the most recently entered judgment of sentence was a clerical error. The new judgment of sentence was entered due to an error with regard to the controlled substances sentence, a matter which plainly has no bearing on the amount of jail credit to which defendant is entitled on his felony-firearm sentence. Further, the trial court noted in the judgment of sentence that it did not intend to alter the other sentences.

This Court has the authority to "enter any judgment or order or grant further or different relief as the case may require." MCR 7.216(A)(7). Therefore, we remand this case to the trial court for entry of a corrected judgment of sentence specifying that defendant is entitled to 52 days of jail credit on his felony-firearm sentence. We decline to order a formal resentencing proceeding, because the error is merely clerical in nature and requires only a ministerial correction of the judgment of sentence.

This case is remanded to the trial court for correction of the judgment of sentence to specify that defendant is entitled to 52 days of jail credit on his felony-firearm sentence. We do not retain jurisdiction.

/s/ Michael J. Talbot
/s/ Mark J. Cavanagh
/s/ Brian K. Zahra